

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr. No. 17-00965 JB
)	
vs.)	
)	
KIRBY CLEVELAND,)	
)	
Defendant.)	

UNITED STATES' MOTION FOR DOWNWARD ADJUSTMENT
IN DEFENDANT'S OFFENSE LEVEL

The United States of America respectfully files this motion pursuant to U.S.S.G. § 3E1.1(b), and moves the Court for an order for a one (1)-level downward adjustment of the offense level in sentencing the above-named defendant. As grounds therefore, the United States provides as follows:

1. Pursuant to U.S.S.G. § 3E1.1(a), the defendant clearly has demonstrated acceptance of responsibility for this offense, and the defendant's offense level should be decreased by two (2) levels.
2. Prior to operation of U.S.S.G. §§ 3E1.1(a), the defendant's offense level is 16 or greater.
3. The defendant has assisted authorities in the investigation or prosecution of this matter by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently.
4. Therefore, pursuant to U.S.S.G. § 3E1.1(b), the defendant's offense level should

be adjusted downward by one (1) additional level.

WHEREFORE, the United States respectfully requests a downward adjustment in defendant's offense level of one (1) additional level for acceptance of responsibility.

Respectfully submitted,

FRED J. FEDERICI
Acting United States Attorney

Electronically filed on June 28, 2021
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I HEREBY CERTIFY that on June 28,2021,
I filed the foregoing using the CM/ECF
system, which is designed to serve a copy
upon counsel for the Defendant.

/s/_____
JOSEPH M. SPINDLE
Assistant U. S. Attorney